OIPE
JUN 0 5 2001
PATENT & TRADEMARK OFFICE

AO

AE#

Patent ~~2643~~ 2700

Attorney's Docket No. RIC-97-123

#13

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED
JUN 0 7 2001
Technology Center 2600

In re Patent Application of	)	
	)	
Karl HENDERSON et al.	)	Group Art Unit: 2643
	)	
Application No.: 09/321,387	)	Examiner: R. Barnie
	)	
Filed: May 27, 1999	)	
	)	
For: PREPAID TELEPHONE CALLING CARD WITH MESSAGE RECORDING CAPABILITY	)	

TRANSMITTAL FOR APPEAL BRIEF

Commissioner for Patents
Washington, D.C. 20231

Sir:

Transmitted herewith in triplicate is an Appeal Brief in support of the Notice of Appeal filed April 5, 2001.

Enclosed is a check for ☐ $155.00 ☒ $310.00 to cover the Government fee.

The Commissioner is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17, 1.20(d) and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 50-1070. This paper is submitted in triplicate.

26615
PATENT TRADEMARK OFFICE

Respectfully submitted,

HARRITY & SNYDER, L.L.P.

By: _____
Glenn Snyder
Reg. No. 41,428

11240 Waples Mill Road
Suite 300
Fairfax, Virginia 22030
(571) 432-0800
Date: June 5, 2001

OIPE JC63
JUN 05 2001
PATENT & TRADEMARK OFFICE

PATENT
Attorney Docket No. RIC-97-123

RECEIVED
JUN 07 2001
Technology Center 2600

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of:	)	
	)	
Karl HENDERSON et al.	)	Group Art Unit: 2643
	)	
Serial No.: 09/321,387	)	Examiner: R. Barnie
	)	
Filed: May 27, 1999	)	
	)	
For: PREPAID TELEPHONE CALLING CARD WITH MESSAGE RECORDING CAPABILITY	)	

APPEAL BRIEF

Commissioner of Patents
Washington, D.C. 20231

Sir:

This Appeal Brief is submitted in response to the Final rejection mailed December 5, 2000 and in support of the Notice of Appeal filed April 5, 2001.

I. REAL PARTY IN INTEREST

The real party in interest in this appeal is WorldCom, Inc.

II. RELATED APPEALS AND INTERFERENCES

Appellants are unaware of any related appeals and interferences.

06/07/2001 BNGUYEN1 00000090 09321387
01 FC:120 310.00 OP

III. STATUS OF CLAIMS

Claims 9-13 and 28-32 are pending in this application. All of the pending claims are the subject of the present appeal.

RECEIVED
JUN 0 7 2001
Technology Center 2600

IV. STATUS OF AMENDMENTS

An After Final Amendment was filed on March 5, 2001 in which cancellation of claims 1-8 and 17-27 was proposed. In response, an Advisory Action dated March 28, 2001 indicated that for purposes of Appeal, claims 9-13 and 28-32 remain rejected. Therefore, the After Final Amendment canceling claims 1-8 and 17-27 filed March 5, 2001 has been entered herewith the filing of this Appeal Brief.

V. SUMMARY OF THE INVENTION

The present invention is directed to a prepaid telephone calling card with message recording capability. As described in Appellants' specification at page 3, lines 17-24, the present invention enables users to take advantage of enhanced services relating to the prepaid calling card while, at the same time, using prepaid cards to obtain conventional telephone calling services. For example, referring to page 7, line 7 to page 8, line 12 of Appellants' specification and with reference to Figures 1 and 2A-2E, a user of a prepaid card (Fig. 1 - 120) may record a message. The recorded message may, for example, be a child's Christmas wish list (Fig. 2C, boxes 42 and 43).

A second user of the prepaid calling card (120), such as a parent, may review the

prerecorded message at a later time when he/she uses the same prepaid card (page 8, lines 13-16). The prerecorded message may be automatically played back to the second user when he/she uses the prepaid card (120) to make a long distance call (page 10, lines 21-25 and page 11, lines 10-20).

The present invention uses a prepaid telephone calling card processing system (Fig. 1 - 104) that includes a voice response system (107) that facilitates receiving and recording voice messages. Calling card processing system 104 also includes a service data point (SDP - 106) and a service switching control point (SSCP - 108). The SDP 106 stores information, such as personal identification numbers (PINs)/card ID numbers, associated with the prepaid cards (page 10, line 25 to page 11, line 15). SDP 106 may receive a PIN from a caller and determine whether the PIN is valid and usable (page 19, lines 23-30). SDP 106 also may determine whether the prepaid card (120) is a message type card (page 21, lines 3-5). When the card (120) is not a message type card, the SDP 106 may direct the user to access customer service or initiate a call, such as a long distance call (page 22, lines 14-21). Therefore, calling card processing system 104 is able to process both message type calling card transactions and normal calling card type transactions.

VI. ISSUES

Whether claims 9-12 are unpatentable under 35 U.S.C. § 103(a) over Longo et al. (U.S. Patent 5,912,956; hereinafter Longo) in view of Atkins et al. (U.S. Patent 5,487,107; hereinafter Atkins);

Whether claim 13 is unpatentable under 35 U.S.C. § 103(a) over Longo in view of Atkins and further in view of Kamel (U.S. Patent 6,009,150);

Whether claims 28 and 29 are unpatentable under 35 U.S.C. § 103(a) over Longo;

Whether claim 30 is unpatentable under 35 U.S.C. § 103(a) over Longo in view of Nabkel (U.S. Patent 5,963,626); and

Whether claims 31 and 32 are unpatentable under 35 U.S.C. § 103(a) over Longo in view of Moen (U.S. Patent 5,592,537).

VII. GROUPING OF CLAIMS

Appellants are satisfied to let claims 9-12 stand or fall together. Appellants are also satisfied to let claims 31 and 32 stand or fall together. Each of claims 13, 28, 29 and 30 do not stand or fall with any of the other claims for the reasons discussed in the Argument section below.

VIII. ARGUMENT

A. The Rejections

1. Claims 9-12 are patentable under 35 U.S.C. § 103 over Longo in view of Atkins.

The initial burden of establishing a *prima facie* basis to deny patentability to a claimed invention always rests upon the Examiner. In re Oetiker, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In rejecting a claim under 35 U.S.C. § 103, the Examiner must provide a

factual basis to support the conclusion of obviousness. In re Warner, 379 F.2d 1011, 154 USPQ 173 (CCPA 1967). Based upon the objective evidence of record, the Examiner is required to make the factual inquiries mandated by Graham v. John Deere Co., 86 S.Ct. 684, 383 U.S. 1, 148 USPQ 459 (1966). The Examiner is also required to explain how and why one having ordinary skill in the art would have been realistically motivated to modify an applied reference and/or combine applied references to arrive at the claimed invention. Uniroyal, Inc. v. Rudkin-Wiley Corp., 837 F.2d 1044, 5 USPQ2d 1434 (Fed. Cir. 1988).

In establishing the requisite motivation, it has been consistently held that the requisite motivation to support the conclusion of obviousness is not an abstract concept, but must stem from the prior art as a whole to impel one having ordinary skill in the art to modify a reference or to combine references with a reasonable expectation of successfully achieving some particular realistic objective. See, for example, Interconnect Planning Corp. v. Feil, 227 USPQ 543 (Fed. Cir. 1985). Consistent legal precedent admonishes against the indiscriminate combination of prior art references. Carella v. Starlight Archery, 804 F.2d 135, 231 USPQ 644 (Fed. Cir. 1986); Ashland Oil, Inc. v. Delta Resins & Refractories, Inc., 776 F.2d 281, 227 USPQ 657 (Fed. Cir. 1985).

With these principles in mind, claim 9 is directed to a method for recording at least one message associated with a prepaid telephone calling card. Claim 9 recites "determining, based on the received access code, whether the prepaid telephone calling card comprises a first type of card." Claim 9 also recites "if the prepaid telephone calling card comprises the first type of card, initiating the recording of the at least one message during the service setup call," and "if

the prepaid telephone calling card does not comprise the first type of card, directing a caller associated with the service setup call to call a first telephone number."

The Final Office Action, dated December 5, 2000, at page 3, states that Longo discloses a system that makes it possible to store a message in conjunction with a prepaid account. Longo, however, does not disclose, "determining, based on the received access code, whether the prepaid telephone calling card comprises a first type of card." Instead, Longo discloses a system that stores information relating to identification tags. A caller may call the number on the tag and be connected to a party responsible for a person, pet, etc. carrying the identification tag (Longo - Abstract). Longo discloses that a party may enter a PIN that enables him/her to record a message that callers will hear when they call the number on the tag (Longo - col. 4, lines 42-44). Longo also discloses that the tag owner can purchase time units associated with the tag and provide a list of telephone numbers that a user of the tag, such as a child, may call. In this manner, the tag may be used as a limited usage calling card (Longo - col. 5, lines 49-62 and Fig. 7).

Longo is directed to providing services associated with a single type of identification tag/card. Although Longo may disclose that the user may enter a PIN that enables him/her to add talk time, record a message, etc., the identification tag/card in Longo is still the same type of card. Longo, therefore, does not disclose that system 20 (Fig. 1) or any other device determines whether a prepaid calling card comprises a first type of card based on a received access code. In contrast, the system 20 of Longo merely uses the PIN to determine whether to

allow a user to store a message, recharge talk time, etc. The PIN is not used to determine whether the tag is a first type of card.

The Final Office Action at page 4 admits that Longo does not disclose instructing a caller to contact a customer service center, but states that it is well known to inform a user to contact a customer service center if a requested service cannot be provided. The Final Office Action also states that Atkins discloses a method for processing calls in which a user could be given the telephone number for customer service if authentication for a requested service was unable to be performed and points to col. 6, lines 34-36 of Atkins for support.

Initially, Appellants submit that claim 9 does not recite informing a user to contact a customer service center if a requested service cannot be provided. Claim 9 recites determining whether the prepaid telephone calling card comprises a first type of card based on a received access code and "if the prepaid telephone calling card does not comprise the first type of card, directing a caller associated with the service setup call to call a first telephone number." This is not equivalent to merely informing a user to contact a customer service center.

In addition, Atkins is directed to a system for processing telephone calls charged to a commercial credit card (Atkins - Abstract). Atkins at col. 6, lines 34-36, discloses informing a user of a customer service number when the card number for the credit card is not valid. This is not equivalent to determining whether a prepaid telephone calling card is a first type of card and then directing a caller to a first telephone number when the calling card is not the first type of card. Therefore, as a factual matter, the combination of Longo and Atkins does not disclose or suggest each of the features of claim 9.

Even if, for the sake of argument, the combination of Longo and Atkins was construed to disclose each of the features of claim 9, the Final Office Action does not provide the motivation required under § 103 as to why it would have been obvious to one of ordinary skill in the art to combine Longo and Atkins. The Final Office Action at page 4 states that it would have been obvious to incorporate the teachings of Atkins into Longo "thus informing users to contact customer service during authentication of a requested service if a requested task is unable to be performed due to inaccurate information or a caller not being eligible for the service because he/she has not subscribed to the requested service." Appellants also note that the Advisory Action at page 2 indicates that it is notoriously well known to direct a caller to call customer service if a requested service cannot be provided by an automated attendant.

These are merely conclusory statements and nothing in either of the references is pointed to as providing motivation to combine the features of Longo and Atkins. Even if directing customers to customer service when an automated attendant cannot provide the requested services was well known, Appellants submit that claim 9 recites directing a caller to call a first telephone number in response to a particular event. More specifically, claim 9 recites directing a caller to call a particular number when the prepaid telephone calling card is not of a first type. Therefore, the bare assertion that directing callers to a customer service number is notoriously well known does not provide the requisite motivation required under § 103 as to why one of ordinary skill in the art would have been motivated to modify Longo to include the features of Atkins.

In addition, the disclosures of Longo and Atkins are directed to totally different

environments. Longo is directed to an identification tag that may be used as a calling card and Atkins is directed to a system for processing telephone calls charged to credit cards. These references are unrelated, other than the fact that they both may involve telephone systems. Due to the disparate nature of these references, one of ordinary skill in the art would not have been motivated to combine various features from these references.

The mere fact that both of these references involve telephone systems of some sort does not establish the requisite realistic motivation to combine the references to arrive at the specifically claimed invention. It is apparent that the Examiner's approach to the ultimate legal conclusion of obviousness under 35 U.S.C.§ 103 amounts to a retrospective assessment as to how the claimed invention works and then combining unrelated references to arrive at the claimed invention. This type of reverse engineering approach to the obviousness issue under 35 U.S.C. § 103 has been repeatedly judicially condemned. Uniroyal, Inc. v. Rudkin-Wiley Corp., supra; Panduit Corp. v. Dennison Mfg. Co., supra. Absent such hindsight reasoning, one of ordinary skill in the art would not have been motivated to combine the references in the manner suggested by the Examiner.

The only motivation to combine and modify the particular features of Longo and Atkins is found in Appellants' disclosure. Such motivation may not properly be relied upon to support the ultimate legal conclusion of obviousness under 35 U.S.C. § 103.

Therefore, Appellants respectfully submit that the imposed rejection of claims 9-12 under 35 U.S.C. § 103 for obviousness based on the combination of Longo and Atkins is improper. Accordingly, reversal of the rejection is respectfully requested.

2. Claim 13 is patentable under 35 U.S.C. § 103 over Longo in view of Atkins and further in view of Kamel.

Claim 13 is dependent on claim 9 and is allowable for at least the reasons claim 9 is allowable. In addition, claim 13 recites "automatically playing back the at least one message during an access call related to the prepaid telephone calling card." The Final Office Action admits that the combination of Longo and Atkins fails to disclose this feature, but states that Kamel discloses this feature and points to the entire disclosure of Kamel for support.

Kamel discloses a system for delivering promotional messages that may be played before a connection is established. By listening to the messages, the user may earn free or subsidized connection time (Kamel - Abstract). The user may be allowed to select the number of messages which are played, based on the desired amount of free connection time (Kamel - col. 3, lines 50-60). This is not equivalent to automatically playing back at least one message during an access call related to the prepaid telephone calling card, as recited in claim 13. Therefore, as a factual matter, the combination of Longo, Atkins and Kamel does not disclose or suggest each of the features of claim 13.

In addition, the Final Office Action at page 5 states that it would have been obvious to incorporate the teaching of Kamel into the combination (Longo and Atkins) thus making it possible to automatically deliver messages. Nothing in any of the references, however, is pointed to as providing motivation for this combination. The statement regarding why it would have been obvious to combine the references merely states a conclusion that might result if the references were combined. This does not meet the requirements under § 103 as to why one of

ordinary skill would be motivated to combine various references.

Lastly, the disclosures of Longo, Atkins and Kamel are directed to totally different environments. That is, Longo is directed to an identification tag that may be used as a calling card, Atkins is directed to a system for processing telephone calls charged to credit cards and Kamel is directed to a system for delivering promotional messages. Accordingly, one of ordinary skill in the art would not look to combine the teachings of Longo, Atkins and Kamel due to the fact that these references are not at all related, other than the fact that they may involve telephone systems.

Therefore, Appellants respectfully submit that the imposed rejection of claim 13 under 35 U.S.C. § 103 for obviousness based on the combination of Longo, Atkins and Kamel is improper. Accordingly, reversal of the rejection is respectfully requested.

3. Claims 28 and 29 are patentable under 35 U.S.C. § 103 over Longo.

Claim 28 is directed to a method for facilitating the use of a prepaid telephone calling card. Claim 28 recites "determining if the prepaid telephone calling card is an audio message type calling card." As discussed above with respect to claim 9, Longo is directed to a system that provides services associated with a single type of identification tag/card. As such, Longo does not disclose or suggest determining if a prepaid telephone calling card is an audio message type calling card.

Claim 28 also recites "initiating playback of the at least one audio message affiliated with the prepaid telephone calling card if the prepaid telephone calling card comprises an audio

message type calling card" and "initiating a call in response to the call access request if the prepaid telephone calling card does not comprise an audio message type calling card."

The Final Office Action at page 10 states that the use of prepaid calling cards meant solely for making telephone calls is well known in the art. The Final Office Action then alleges that it would have been obvious "that depending on the available services of a service provider, prepaid card issuer, prepaid card being used, customer subscribed services and so forth one might/might not be eligible for a plurality of services such as recharging one's card and so forth thus making the card only eligible for making calls, a fact notoriously well known in the art."

Initially, the Appellants note that claim 28 is directed to a method for facilitating the use of a prepaid telephone calling card. Claim 28 recites "determining if the prepaid telephone calling card is an audio message type calling card; initiating a playback of the at least one audio message ... if the prepaid telephone calling card comprises an audio message type calling card; and initiating a call ... if the prepaid telephone calling card does not comprise an audio message type calling card." Therefore, the fact that prepaid calling cards meant solely for making telephone calls may be well known is immaterial and does not render obvious the subject matter of claim 28, since Appellants are not claiming the use of prepaid cards meant solely for making calls.

In other words, Longo does not disclose or render obvious a method that determines whether the calling card is an audio message type calling card and then either initiating

playback of an audio message or initiating a call based on whether the calling card is an audio message type calling card.

Therefore, Appellants respectfully submit that the imposed rejection of claim 28 under 35 U.S.C. § 103 for obviousness based on Longo is improper. Accordingly, reversal of the rejection is respectfully requested.

Claim 29 is also directed to a method for facilitating the use of a prepaid telephone calling card. Claim 29 recites "determining if at least one audio message affiliated with the prepaid telephone calling card has previously been stored; initiating playback of the at least one audio message if the at least one audio message has previously been stored; and initiating playback of an audio message unaffiliated with the prepaid telephone calling card if the at least one audio message has not previously been stored."

With regard to claim 29, the Final Office Action at page 10 states that if the card in Longo is used solely as a calling card, then the user is prompted for a message to input the number of the called party. Even if this was true, Longo does not render obvious the subject matter of claim 29. In other words, Longo does not disclose or suggest a method that includes "determining if at least one audio message affiliated with the prepaid telephone calling card has been previously stored; initiating playback of the audio message if the at least one audio message has previously been stored; and initiating playback of an audio message unaffiliated with the prepaid telephone calling card if the at least one audio message has not previously been stored."

The Final Office Action has not addressed these features. In any event, Longo does not disclose or suggest these features.

Therefore, Appellants respectfully submit that the imposed rejection of claim 29 under 35 U.S.C. § 103 for obviousness based on Longo is improper. Accordingly, reversal of the rejection is respectfully requested.

4. Claim 30 is patentable under 35 U.S.C. § 103 over Longo in view of Nabkel.

Claim 30 is directed to a system that facilitates the use of a prepaid telephone calling card. Claim 30 recites that a prepaid telephone calling card processing system is configured to "determine a number of times the at least one message has been played back, and delete the at least one message from the data storage system responsive to the determination of the number of times the at least one message has been played back."

The Final Office Action at page 10 admits that Longo does not disclose deleting a stored message after it has been played a number of times. The Final Office Action, however, states that Nabkel discloses a system for posting messages in which a message may expire after it has been played back to a number of people in a list and points to col. 3, lines 34-42 of Nabkel for support.

Nabkel, however, does not disclose a prepaid telephone calling card processing system that is configured to "determine a number of times the at least one message has been played back, and delete the at least one message from the data storage system responsive to the determination of the number of times the at least one message has been played back," as

recited in claim 30. Nabkel, as admitted in the Final Office Action, merely discloses that a message may be stored until everyone on a list hears the message. This is not equivalent to the determining a number of times a message has been played and deleting the message in response to determining the number of times the message has been played. Therefore, as a factual matter, the combination of Longo and Nabkel does not disclose or suggest each of the features of claim 30.

The Advisory Action at page 3 alleges that erasing a message after a list of callers has acknowledged the message can be construed to be equivalent to the claimed feature discussed above. Appellants strongly disagree. Nabkel does not determine a number of times that a message has been played before deleting the message. In contrast, Nabkel clearly discloses that a message expires after everyone on a list hears the message (Nabkel - col. 3, lines 34-35). Any one of the users in Nabkel can hear the message an infinite number of times before a message is deleted. Nabkel, therefore, cannot be fairly construed to disclose or suggest deleting a message in response to the number of times the message has been played, as recited in claim 30.

Lastly, the disclosures of Longo and Nabkel are directed to totally different environments. That is, Longo is directed to an identification tag that may be used as a calling card. Nabkel, in contrast, is directed to a system for generating messages for callers based on a caller's identity (Nabkel - Abstract). Nothing in either of the references is pointed to as providing a suggestion or motivation as to why one of ordinary skill in the art would combine these references. Accordingly, one of ordinary skill in the art would not look to combine the

teachings of Longo and Nabkel due to the fact that these references are not at all related, other than the fact that they both may involve telephone systems.

Therefore, Appellants respectfully submit that the imposed rejection of claim 30 under 35 U.S.C. § 103 for obviousness based on the combination of Longo and Nabkel is improper. Accordingly, reversal of the rejection is respectfully requested.

5. Claims 31 and 32 are patentable under 35 U.S.C. § 103 over Longo in view of Moen.

In the argument below, Appellants use claim 31 as representative of the group of claims including claims 31 and 32. Claim 31 is directed to a method for recording purchase preferences. The method includes "receiving, over a telephone network, an access code associated with the prepaid telephone calling card; requesting purchase preference information of the individual; receiving audio data related to the purchase preference information; and recording the audio data as an audio message for playback during an access call related to the use of the prepaid telephone calling card."

The Final Office Action at page 11 admits that Longo does not disclose recording audio messages related to purchase preference information. The Final Office Action, however, states that Moen discloses a method of providing message service for limited access telecommunications in which a plurality of messages may be stored in conjunction with a prepaid account. The Final Office Action further states that it would have been obvious "to record any desired message in conjunction with a prepaid account for subsequent playback."

Appellants strongly disagree.

Moen is directed to a system that may store messages and users may access the message by calling a specific telephone number (Moen - col. 1, lines 42-60). Moen, however, does not disclose "requesting purchase preference information of the individual; receiving audio data related to the purchase preference information; and recording the audio data as an audio message for playback during an access call related to the use of the prepaid telephone calling card," as recited in claim 31.

The Final Office Action's general statement that it would have been obvious to record any desired message in view of Longo and Moen cannot be fairly construed to render obvious the specifically claimed features of claim 31. In other words, such a generalization does not provide the motivation required under § 103 as to why it would have been obvious to modify the combined references in the alleged manner.

In this respect, Appellants rely upon In re Deuel, 51 F.3d 1552, 34 USPQ2d 1210 (Fed. Cir. 1995), wherein it was held that generalizations do not establish the realistic motivation to modify a specific reference in a specific manner to arrive at a specifically claimed invention. Once again, the Examiner's approach to obviousness amounts to a retrospective assessment as to how the claimed invention works and then combining and modifying unrelated references to arrive at the claimed invention.

Appellants also note that the Advisory Action at page 3 states that Moen discloses storing messages which could include personal messages and commercial messages which can be retrieved and listened to by one with a correct PIN. The Advisory Action once again states

that any desired message can be stored in conjunction with an account number. As discussed above, such broad generalizations do not meet the requirements under § 103 as to why it would have been obvious to request purchase preference information of an individual and record such purchase preference information.

Lastly, the disclosures of Longo and Moen are directed to totally different environments. That is, Longo is directed to an identification tag that may be used as a calling card. Moen, in contrast, is directed to a system for providing message services. In Moen, a sponsor distributes a user unit to a number of end users. A central switching station is then programmed to permit a call of a preset message limit to be made by each end user to a third party phone number. Subsequent attempts by end users to access the preset message with the same unique PIN are blocked (Moen - col. 3, lines 41-60). Accordingly, one of ordinary skill in the art would not look to combine the teachings of Longo and Moen due to the fact that these references are not at all related, other than the fact that they both may involve telephone systems.

Therefore, Appellants respectfully submit that the imposed rejection of claims 31 and 32 under 35 U.S.C. § 103 for obviousness based on the combination of Longo and Moen is improper. Accordingly, reversal of the rejection is respectfully requested.

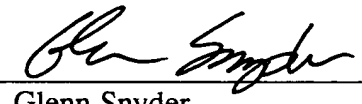
IX. CONCLUSION

In view of the foregoing arguments, Appellants respectfully solicit the Honorable Board to reverse the Examiner's rejections of claims 9-13 and 28-32 under 35 U.S.C. § 103.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 50-1070 and please credit any excess fees to such deposit account.

Respectfully submitted,

HARRITY & SNYDER, L.L.P.

By: 

Glenn Snyder
Reg. No. 41,428

Date: June 5, 2001

11240 Waples Mill Road
Suite 300
Fairfax, VA 22030
Telephone: (571) 432-0800
Facsimile: (571) 432-0808

APPENDIX

9. A method for recording at least one message associated with a prepaid telephone calling card, comprising:

storing data corresponding to the prepaid telephone calling card and the at least one message;

receiving, over a telephone network, a prepaid telephone calling card access code during a service setup call;

determining, based on the received access code, whether the prepaid telephone calling card comprises a first type of card;

if the prepaid telephone calling card comprises the first type of card, initiating the recording of the at least one message during the service setup call; and

if the prepaid telephone calling card does not comprise the first type of card, directing a caller associated with the service setup call to call a first telephone number.

10. The method according to claim 9, wherein said data corresponding to the prepaid telephone calling card includes a quantity corresponding to a number of service units available to be used to make at least one call in relation to the prepaid telephone calling card.

11. The method according to claim 10, wherein said service units correspond to telephone call service minutes.

12. The method according to claim 9, wherein the at least one message is recorded in accordance with a card identifier corresponding to the prepaid telephone calling card.

13. The method according to claim 9, further comprising:

automatically playing back the at least one message during an access call related to the prepaid telephone calling card.

28. A method for facilitating the use of a prepaid telephone calling card, comprising:

receiving a call access request, associated with the prepaid telephone calling card, over a telephone network;

determining if the prepaid telephone calling card is an audio message type calling card;

initiating playback of the at least one audio message affiliated with the prepaid telephone calling card if the prepaid telephone calling card comprises an audio message type calling card; and

initiating a call in response to the call access request if the prepaid telephone calling card does not comprise an audio message type calling card.

29. A method for facilitating the use of a prepaid telephone calling card, comprising:

receiving a call access request, associated with the prepaid telephone calling card, over a telephone network;

determining if at least one audio message affiliated with the prepaid telephone calling

card has previously been stored;

initiating playback of the at least one audio message if the at least one audio message has previously been stored; and

initiating playback of an audio message unaffiliated with the prepaid telephone calling card if the at least one audio message has not previously been stored.

30. A system for facilitating the use of a prepaid telephone calling card, comprising:

a data storage system configured to store data corresponding to the prepaid telephone calling card and to store at least one message related to the prepaid telephone calling card; and

a prepaid telephone calling card processing system coupled to said data storage system and configured to:

receive a request to play the at least one message stored in relation to the prepaid telephone calling card during an access call over a telephone network,

initiate the playback of the at least one message during the access call,

determine a number of times the at least one message has been played back, and

delete the at least one message from the data storage system responsive to the determination of the number of times the at least one message has been played back.

31. A method for recording purchase preferences of an individual associated with a prepaid telephone calling card, comprising:

receiving, over a telephone network, an access code associated with the prepaid

telephone calling card;

requesting purchase preference information of the individual;

receiving audio data related to the purchase preference information; and

recording the audio data as an audio message for playback during an access call related to the use of the prepaid telephone calling card.

32. A method relating to the purchase preferences of an individual associated with a prepaid telephone calling card, comprising:

storing data corresponding to the prepaid telephone calling card and at least one audio message related to purchase preferences of the individual associated with the prepaid telephone calling card;

receiving, over a telephone network, a request to play the at least one audio message during an access call; and

initiating playback of the at least one audio message during the access call.